

# FREEDOM OF RELIGION

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## FREEDOM OF RELIGION

### INTRODUCTION

Government harassment, repression, and persecution of religious and spiritual adherents has increased during the five-year period covered by this report. In 2004, the Congressional-Executive Commission on China reported that repression of religious belief and practice grew in severity. The Communist Party strengthened its campaign against organizations it designated as cults, targeting Falun Gong in particular, but also unregistered Buddhist and Christian groups, among other unregistered communities.<sup>1</sup> The Commission noted a more visible trend in harassment and repression of unregistered Protestants for alleged cult involvement starting in mid-2006.<sup>2</sup> The Commission reported an increase in harassment against unregistered Catholics starting in 2004 and an increase in pressure on registered clerics beginning in 2005.<sup>3</sup> The government's crackdown on religious activity in the Xinjiang Uighur Autonomous Region has increased in intensity since 2001.<sup>4</sup> New central government legal provisions and local measures from the Tibet Autonomous Region government intensify an already repressive environment for the practice of Tibetan Buddhism.<sup>5</sup> Daoist and Buddhist communities have been subject to ongoing efforts to close temples and eliminate religious practices deemed superstitious, as well as made subject to tight regulation of temple finances.<sup>6</sup> Members of religious and spiritual communities outside the five groups recognized by the government continue to operate without legal protections and remain at risk of government harassment, abuse, and in some cases, persecution. China has remained a "Country of Particular Concern" because of its restrictions on religion since the U.S. Department of State first gave it this designation in 1999.<sup>7</sup>

The Chinese government's failure to protect religion and its imposition of limits on religion violate international human rights standards. The Chinese Constitution, laws, and regulations guarantee only "freedom of religious belief" (*zongjiao xinyang ziyou*), but they do not guarantee "freedom of religion."<sup>8</sup> As defined by international human rights standards, "freedom of religion" encompasses not only the freedom to hold beliefs but also the freedom to manifest them.<sup>9</sup> Chinese laws and regulations protect only "normal religious activities." They do not define this term in a manner to provide citizens with meaningful protection for all aspects of religious practice.<sup>10</sup> Religious communities must register with the government by affiliating with one of the five recognized religions and they must receive government approval to establish sites of worship.<sup>11</sup> The state tightly regulates the publication of religious texts and forbids individuals from printing religious materials.<sup>12</sup> State-controlled religious associations hinder citizens' interaction with foreign co-religionists, including their ability to follow foreign reli-

gious leaders.<sup>13</sup> The government imposes additional restrictions on children's freedom of religion.<sup>14</sup> Chinese citizens who practice their faith outside of officially sanctioned parameters risk harassment, detention, and other abuses. In 2006, a top religious official in China claimed that no religious adherents were punished because of their faith, but the Chinese government continues to use a variety of methods within and outside its legal system—including selective application of criminal penalties—to punish and imprison citizens who practice religion in a manner authorities deem illegitimate.<sup>15</sup>

As recognized in international human rights standards,<sup>16</sup> including those in treaties China has signed or ratified,<sup>17</sup> freedom of religion “is far-reaching and profound.”<sup>18</sup> It includes the freedom to manifest one's beliefs alone or in community with others; the freedom to believe in and practice the religion of one's choice, without discrimination; the freedom to build places of worship; the freedom to print and distribute religious texts; the freedom to recognize religious leaders regardless of those leaders' nationality; and the freedom of children to practice a religion.<sup>19</sup>

The Chinese government has failed to guarantee these freedoms to its citizens both in law and in practice.

Party leaders manipulate religion for political ends. Like his predecessor, President and Party General Secretary Hu Jintao has responded to an increase in the number of religious followers through the use of legal initiatives to cloak campaigns that tighten control over religious communities.<sup>20</sup> Despite official claims in 2004 that the Regulation on Religious Affairs adopted that year represented a “paradigm shift” in limiting state intervention in citizens' religious practice,<sup>21</sup> it codified at the national level ongoing restrictions over officially recognized religious communities and discriminatory barriers against other groups. In the area of religion, the Party has used legal means as a tool for exerting tight control over all aspects of citizens' religious practice. Beyond overt measures of control, internal public security handbooks call for undercover teams to monitor the activities of religious communities.<sup>22</sup> In an essay on maintaining stability in western China, one public security analyst called for security officials to gather information on religious communities by cultivating “secret . . . ‘friends’” from within such communities.<sup>23</sup>

In recent years, top officials publicly have stated that religion may play a positive role in society,<sup>24</sup> but have maneuvered this sentiment to meet Party goals. In its campaign to promote a “harmonious society,” the Party has emphasized “bringing into play the positive role of religion” through greater control of internal religious doctrine.<sup>25</sup> In July 2006, Ye Xiaowen, head of the State Administration for Religious Affairs, said the government would direct religious leaders to provide correct interpretations of religious tenets to “convey positive and beneficial contents to worshippers and direct them to practice faiths rightly.”<sup>26</sup> The announcement builds on earlier policies to manipulate doctrine to suit Party policy. For example, the national Islamic Association has continued a program to compile sermons that reflect the “correct and authoritative” view of religious doctrine in line with Party policy, making imams' confirmation contingent on knowledge of the sermons. The

official Protestant church continues to promote “theological construction,” a guiding ideology designed to minimize aspects of Christianity deemed incompatible with socialism.<sup>27</sup> The government and Party continue to propagate atheism among Chinese citizens. In an August 2006 article, Ye Xiaowen called for strengthening propaganda and education on atheism.<sup>28</sup>

Despite controls over religion, unofficial estimates indicate that the number of religious and spiritual adherents in China continues to grow. In 2007, Chinese media reported on a poll by Chinese scholars that found China has approximately 300 million religious adherents, a figure three times as high as official figures.<sup>29</sup> The growth of religion in Chinese society presents potential challenges to government authority, and government concerns over the rise of religion intersect with broader apprehensions about perceived social instability and ethnic unrest. A summary of religious work issued in 2005 listed “stability” as the “number one responsibility.”<sup>30</sup> As long as the government views religion as a potential flashpoint for conflict or challenge to Party authority, it is unlikely to ease restrictions on religious communities. Broader political liberalizations that address how China’s own restrictive policies exacerbate instability, however, could bring improvements in the area of religious freedom, but a review of events from the past five years indicates a trend in the opposite direction.

### *Legislative Developments*

The central government has taken more steps to codify state and Party policy on religion in recent years, particularly through the 2004 national Regulation on Religious Affairs (RRA) and subsequent provincial regulations. Though the regulations guarantee some legal protections to registered religious communities, they also condition many religious activities on government oversight and approval. Codification of government procedures lends more transparency and predictability about government actions, but as legal controls over the internal activities of religious communities, the regulations reflect rule by law rather than rule of law.

Implementation of the RRA has been uneven, resulting in a confusing legal terrain for citizens who aim to understand the applicability of legal protections and restrictions imposed by the regulation. Though the State Administration for Religious Affairs (SARA) and local governments have reported training local officials in the RRA,<sup>31</sup> the complete scope of the training and indicators for measuring its progress are unclear. The central government has not issued general implementing guidelines, but has promulgated a limited number of legal measures that expand on specific provisions within the RRA. The new measures clarify some ambiguous provisions in the RRA, but generally articulate more rigid controls.<sup>32</sup> Although SARA also has promoted a handbook that provides a more detailed explanation of each article of the RRA, the book does not appear to be widely distributed in training classes.<sup>33</sup>

The national government has not publicized a clear plan of action for ensuring local regulations on religion are consistent with national requirements, and inconsistencies among regulations persist. Most of the provincial-level regulations issued after the RRA entered into force promote consistency with the RRA by aligning

many key provisions to national requirements, but at least one province initially retained provisions that conflicted with those in the RRA.<sup>34</sup> Other provinces have yet to amend their regulations, leaving intact provisions that conflict with the RRA and, in some cases, impose harsher restrictions.<sup>35</sup>

Though the new provincial regulations have promoted uniformity with national regulations, they also contain provisions that differ from each other and from the national RRA. A new comprehensive regulation from Hunan province, for example, is the first comprehensive provincial-level regulation on religion to provide limited recognition for venues for folk beliefs.<sup>36</sup> Measures from the Tibet Autonomous Region provide detailed stipulations for the designation and supervision of reincarnated Buddhist lamas.<sup>37</sup> Some provincial-level regulations recognize only Buddhism, Catholicism, Daoism, Islam, and Protestantism. Others are silent on this issue.<sup>38</sup>

### *Recognized and Unrecognized Religious Communities*

The central government has not made progress in extending its limited legal protections for religion to all Chinese citizens. The Regulation on Religious Affairs (RRA) did not explicitly codify Buddhism, Catholicism, Daoism, Islam, and Protestantism as China's only recognized religious communities, but the government perpetuates a regulatory system that recognizes only these communities, with limited exceptions.<sup>39</sup> Although recognized groups receive limited guarantees to practice "normal religious activities," they must submit to state-defined interpretations of their faith as well as ongoing state control over internal affairs. The RRA and subsequent regulations continue to subject recognized communities to onerous registration and reporting requirements.<sup>40</sup>

Party-sponsored religious associations,<sup>41</sup> with which religious communities must affiliate, remain the state's main vehicle for ensuring religious practice conforms to Party goals and for denying religious communities doctrinal independence.<sup>42</sup> The associations vet religious leaders for political reliability, and religious leaders who express sensitive political views have faced dismissal from their posts. For example, in 2006, the national Buddhist Association, in coordination with government officials, expelled a Buddhist monk from a temple in Jiangxi province after the monk led religious activities to commemorate victims of the 1989 Tiananmen crackdown and took measures to address corruption among government officials and the Buddhist Association.<sup>43</sup> Authorities in the Xinjiang Uighur Autonomous Region have enforced an ongoing campaign to monitor imams and decertify religious leaders deemed unreliable.<sup>44</sup>

Unregistered religious and spiritual communities continue to practice their faith under the risk of harassment, detention, and other abuses. Differences in legislation and regional variations in the implementation of religious policy have allowed a limited number of unrecognized groups to operate openly.<sup>45</sup> Without the clear guarantee that all citizens have a right to openly practice their religion, however, all unregistered communities remain vulnerable to official abuses and restrictions on their freedom. Religious and spiritual communities defined as "cults" remain subject to persecution.

In 2004, the Party increased its campaign against organizations it designated as cults, targeting Falun Gong practitioners as well as unregistered communities including Buddhist and Christian groups.<sup>46</sup> In July 2007, the central government instructed officials to “strike hard against illegal religions and cult activities” as part of a campaign to address perceived instability in rural areas.<sup>47</sup> The promulgation of the RRA may increase pressures on unregistered groups. A district in Shanghai, for example, has set targets for carrying out work to eliminate “abnormal religious activity” in accordance with the RRA.<sup>48</sup>

*Freedom To Interact with Foreign Co-religionists and Co-religionists Abroad*

The Chinese government restricts Chinese citizens’ freedom to interact with foreign citizens in China and with citizens abroad as part of its policy to promote self-management and independence from foreign religious institutions.<sup>49</sup> Chinese officials have increased oversight of citizens’ contacts with foreign religious practitioners within China in the run-up to the 2008 Beijing Summer Olympic Games. In March 2007, Minister of Public Security Zhou Yongkang said the government would “strike hard” against hostile forces inside and outside the country, including religious and spiritual groups, to ensure a “good social environment” for the Olympics and 17th Party Congress.<sup>50</sup> In 2006, local officials expelled a registered church leader in Shanxi province after his church invited an American missionary to the church.<sup>51</sup> According to the nongovernmental organization China Aid Association, authorities implemented a campaign in 2007 to expel foreigners thought to be engaged in Christian missionary activities.<sup>52</sup> National rules governing the religious activities of foreigners forbid them from “cultivating followers from among Chinese citizens,” distributing “religious propaganda materials,” and carrying out other missionary activities.<sup>53</sup>

*Freedom of Religion for Chinese Children*

The Chinese government failed to secure the rights of children to practice religion in its recent codification of religious policy. Although a Ministry of Foreign Affairs official stated in 2005 that no laws restrict minors from holding religious beliefs and that parents may give their children a religious education,<sup>54</sup> recent legislation has not articulated a guarantee of these rights. Regulations from some provinces penalize acts such as “instigating” minors to believe in religion or accepting them into a religion.<sup>55</sup> In practice, children in some parts of China participate in religious activities at registered and unregistered venues,<sup>56</sup> but in other areas, they have been restricted from participating in religious services.<sup>57</sup>

Ambiguities in the law and variations in implementation have created space for children in some parts of China to receive a religious education. Some Muslim communities outside the Xinjiang Uighur Autonomous Region have established schools to provide secular and religious education to children.<sup>58</sup> In some ethnic minority communities, children receive education at Buddhist temples.<sup>59</sup>

Some recent government campaigns against religion have targeted children. In 2004, authorities launched campaigns to educate children against the evils of government-designated cults and to encourage children to expose family members engaged in “illegal religious activities.”<sup>60</sup> In 2006, Ye Xiaowen called for strengthening education in atheism especially among children.<sup>61</sup>

### *Social Welfare Activities by Religious Communities*

The government accommodates, and in some cases, sponsors, the social welfare activities of recognized religious communities where such activities meet Party goals. Article 34 of the Regulation on Religious Affairs allows registered religious communities to organize such undertakings.<sup>62</sup> In some cases, government offices and Party-led religious associations initiate and control the scope of social welfare activities.<sup>63</sup> In other cases, religious civil society organizations organize their work under other auspices or are able to operate without registering with the government.<sup>64</sup>

Government support for religious charity work is part of a broader policy allowing civil society organizations to provide welfare services in certain areas. [See Section III—Civil Society for more information.] The government also has permitted some international religious organizations to engage in charity work within China.<sup>65</sup> In recent years, however, the government has increased pressures on civil society organizations.<sup>66</sup> Religiously affiliated civil society groups in tightly controlled regions such as the Xinjiang Uighur Autonomous Region (XUAR) face additional restrictions. For example, local authorities in the XUAR have banned *meshrep*, Islam-centered groups that have sought to address social problems.<sup>67</sup>

## RELIGIOUS FREEDOM FOR TIBETAN BUDDHISTS

### *Overview*

The Chinese government creates a repressive environment for the practice of Tibetan Buddhism. Two new sets of legal measures increase legal bases for repression. Tibetan Buddhist monks and nuns remain subject to expulsions from religious institutions and imprisonment for refusing to accept government policy on issues such as the legitimacy of the Dalai Lama as a religious leader, and the identity of the Panchen Lama. For a detailed overview of current conditions for Tibetan Buddhists in China, see Section IV—Tibet.

## RELIGIOUS FREEDOM FOR CHINA’S CATHOLICS

### *Overview*<sup>68</sup>

The Chinese government continues to deny Chinese Catholics the freedom to recognize the authority of overseas Catholic institutions in a manner of their choosing. Authorities blocked Web sites in 2007 to prevent Catholic practitioners from viewing an open letter from Pope Benedict XVI urging reconciliation between registered and unregistered communities in China. Government harassment against Catholic communities has escalated since 2004. The government continues to detain unregistered bishops and coerce registered bishops to exercise their faith according to Party-dictated



terms. The return of property owned by the Catholic Church in the 1950s and 1960s remains a contentious issue. Officials and unidentified assailants have beaten people protesting slated demolitions of church property.

#### *Harassment, Detention, and Other Abuses*

Both unregistered Catholics and registered clergy remain subject to government harassment, and in some cases, detention. The Commission noted an increase in reported detentions of unregistered Catholics in 2005, after the Regulation on Religious Affairs entered into force.<sup>69</sup> In June 2007, the public security bureau detained Jia Zhiguo, underground bishop of the Diocese of Zhending, in Hebei province, for 17 days.<sup>70</sup> Authorities detained him again in August as he prepared to lead meetings to discuss a letter Pope Benedict XVI issued to Chinese Catholics in June.<sup>71</sup> Jia previously spent more than 20 years in prison.<sup>72</sup> In 2006, the government increased pressure on registered bishops and priests to coerce them to participate in bishop consecrations without papal approval. Authorities detained, sequestered, threatened, or otherwise exerted pressure on registered Catholic clerics to obtain compliance.<sup>73</sup> Authorities have pressured both unregistered clergy and lay practitioners to join registered churches or face repercussions such as restricting children's access to school, job dismissal, fines, and detention.<sup>74</sup>

#### *Closures of Religious Structures and Confiscation of Religious Property*

The return of religious property remains a contentious issue. In recent years, some registered Catholic groups have called on the government to give back church property confiscated in the 1950s and 1960s, and in separate incidents, officials or unidentified assailants have beaten people protesting the slated demolition of such property. For example, in 2005, government officials assaulted a group of Catholic nuns in a village near the city of Xi'an, in Shaanxi province, after the nuns had attempted to prevent the authorities from erecting a new building on property that the government confiscated from their religious order during the 1950s. According to overseas sources, the nuns were not injured, and the construction work was halted after the assault. In another incident in 2005, unidentified assailants beat a group of Catholic nuns in Xi'an after the nuns had organized a sit-in to prevent the demolition of a school formerly belonging to their religious order. In a separate incident, unidentified assailants beat a group of Catholic priests in Tianjin who had occupied a building formerly belonging to their Shanxi dioceses and demanded its return. At issue in all three cases was the refusal of local authorities to abide by government instructions mandating the return of such property.<sup>75</sup>

#### *China-Holy See Relations*

The state-controlled Catholic Patriotic Association (CPA) does not recognize the authority of the Holy See to appoint bishops and has continued to appoint bishops based on its own procedures, in some cases coercing clerics to participate in consecration ceremonies. While in recent years authorities had tolerated discreet involve-

ment by the Holy See in the selection of some bishops, in 2006 the CPA moved to appoint more bishops without Holy See approval. For example, in November 2006, the CPA appointed Wang Renlei as auxiliary bishop of the Xuzhou diocese, Jiangsu province, without Holy See approval, and authorities reportedly detained two bishops to force their participation in the ordination ceremony.<sup>76</sup>

In September 2007, the CPA ordained Paul Xiao Zejiang as coadjutor bishop of the Guizhou diocese. Though the CPA elected him according to its own practices, the Holy See expressed approval of his election to bishop.<sup>77</sup> The same month, the CPA ordained Li Shan as bishop of Beijing according to its own practices. The Holy See expressed approval for the ordination.<sup>78</sup>

The ordinations follow a June 2007 open letter from Pope Benedict XVI to Catholic church members in China, urging reconciliation between registered and unregistered Catholic communities in China and stating that “the Catholic Church which is in China does not have a mission to change the structure or administration of the State.”<sup>79</sup> After the letter was published on the Vatican Web site, Chinese authorities blocked Internet access and ordered Catholic Web sites within China to remove the letter.<sup>80</sup> An overseas news agency reported that local authorities have since detained at least 11 unregistered church priests in an effort to assert official authority in the aftermath of the letter’s publication.<sup>81</sup>

Government apprehension about Chinese Catholics’ relationship with foreign religious communities and institutions also manifested itself in 2007 in the Xinjiang Uighur Autonomous Region (XUAR). In July, the XUAR government announced it would strengthen oversight of Catholic and Protestant communities to prevent foreign infiltration, a call reiterated in August by local authorities in the XUAR’s Changji Hui Autonomous Prefecture.<sup>82</sup>

The government has penalized members of the unregistered Catholic community for their overseas travel. In 2006, authorities detained two leaders of the unregistered Wenzhou diocese, Peter Shao Zhumin and Paul Jiang Surang, after they returned from a pilgrimage to Rome. Six months after their detention, Shao and Jiang received prison sentences of 9 and 11 months, respectively, after authorities accused them of falsifying their passports and charged them with illegally exiting the country.<sup>83</sup>

## RELIGIOUS FREEDOM FOR CHINA’S MUSLIMS

### *Overview*<sup>84</sup>

The government strictly controls the practice of Islam, and religious repression in the Xinjiang Uighur Autonomous Region (XUAR), especially among the Uighur ethnic group, remains severe. In recent years the government has increased control over Muslim pilgrimages and continued an ongoing project to author sermons that reflect Party values. New confirmation rules for religious leaders require knowledge of the sermons. Authorities reportedly have tried to restrict the number of Muslim students who study religion overseas. Within the XUAR, the government restricts access to mosques, imprisons citizens for religious activity determined to be “extremist,” has detained people for possession of unauthorized texts, and most recently has confiscated Muslims’

passports. The XUAR government maintains the harshest legal restrictions in China on children's right to practice religion. Religious repression in the XUAR accompanies a broader crackdown in the region aimed at diluting expressions of Uighur identity. [See Section II—Ethnic Minority Rights for more information on conditions in the XUAR.]

#### *Harassment, Detention, and Other Abuses*

Authorities in the XUAR have intensified their crackdown on religion since 2001. Official records have indicated an increase in Uighurs in the XUAR sent to prison or reeducation through labor centers because of religious activity since the mid-1990s.<sup>85</sup> XUAR residents reported to overseas human rights organizations that police monitoring for illegal activity, including systematic door-to-door searches within neighborhoods and villages, has increased in recent years.<sup>86</sup>

In recent years, authorities have detained people for having unauthorized religious texts. In 2005, authorities in the XUAR detained a religion instructor and her students, accusing the teacher of "illegally possessing religious materials and subversive historical information."<sup>87</sup> XUAR officials also detained a group of people for possessing an unauthorized religious book.<sup>88</sup>

#### *Access to Religious Sites and Closures of Religious Structures*

The government continues to enforce tight restrictions on XUAR residents' ability to enter mosques. Overseas media has reported on restrictions on mosque entry enforced against minors under 18, local government employees, state employees and retirees, and women, among other groups. Authorities reportedly monitor attendance at mosques and levy fines when people violate the bans.<sup>89</sup>

Authorities in the XUAR continue to enforce earlier policies to demolish "illegal" religious sites, and they have increased oversight since 2001.<sup>90</sup> Authorities reportedly have not allowed Uighurs in the XUAR to build new mosques since 1999.<sup>91</sup>

#### *Restrictions on the Freedom To Make Overseas Pilgrimages*

The central government has increased its control over Muslims' overseas pilgrimages in recent years, and public officials in the XUAR have followed suit with further restrictions. The 2004 national Regulation on Religious Affairs charged the Islamic Association of China (IAC) with responsibility for organizing Chinese Muslims' overseas pilgrimages, and stipulated punishments for the unauthorized organization of such trips.<sup>92</sup> In 2006, the IAC established an office to manage pilgrimages to Mecca.<sup>93</sup> It also signed an agreement with the Saudi Ministry of Pilgrimage allowing Chinese Muslim pilgrims to receive Hajj visas only at the Saudi Embassy in Beijing and restricting visas to pilgrims in official Chinese government-sponsored travel groups. The government announced its agreement with Saudi Arabia after a group of Muslims from the XUAR attempted to obtain Saudi visas via a third country. In addition, the IAC issued a circular in 2006 that regulates secondary pilgrimages (*umrah*) to Mecca outside the yearly Hajj.<sup>94</sup> Some citizens who have tried to take trips outside official channels reportedly

have done so to avoid requirements to demonstrate political reliability to the government and to save money, among other factors.<sup>95</sup> Authorities also reportedly have tried to restrict Muslims' opportunities to study religion overseas.<sup>96</sup>

Local officials in the XUAR have used pilgrimage policy to further religious repression in that region. In June 2007, after XUAR Party Secretary Wang Lequan announced that the government would further increase its oversight of pilgrimages in the region, overseas media reported that local authorities implemented a policy to confiscate passports from Muslims, and Uighurs in particular.<sup>97</sup> In July, the XUAR government announced that the public security bureau would strengthen passport controls as part of its campaign to curb unauthorized pilgrimages.<sup>98</sup>

### *Religious Publications*

The government continues to exert tight control over the publications of religious materials in the XUAR. In 2007, authorities in the XUAR city of Urumqi reported destroying over 25,000 "illegal" religious books.<sup>99</sup> During a month-long campaign in 2006 aimed at rooting out "political and religious illegal publications," XUAR authorities reported confiscating publications about Islam with "unhealthy content."<sup>100</sup> In 2005, official news media reported that XUAR authorities had confiscated 9,860 illegal publications involving religion, "feudal superstitions," or Falun Gong.<sup>101</sup>

### *Children*

Restrictions on children's right to practice religion are harsher in the XUAR than elsewhere in China. Legal measures from the XUAR, unseen elsewhere in China, forbid parents and guardians from allowing minors to engage in religious activity.<sup>102</sup> Local governments throughout the XUAR continued restrictions on children's right to practice a religion during 2006. They enforced measures during Ramadan to prevent students from fasting and participating in other religious activities. Authorities also directed such measures at college students who are legal adults under Chinese law.<sup>103</sup> Also in 2006, a county government in the XUAR began a campaign aimed at monitoring and reforming the children of religious figures, alongside other students including truants and children of those released from administrative detention.<sup>104</sup>

## RELIGIOUS FREEDOM FOR CHINA'S PROTESTANTS

### *Overview*<sup>105</sup>

The government and Party control the activities of its official Protestant church, and the government continues to target unregistered Protestant groups for harassment, detention, and other forms of abuse. The targeting of Protestant groups deemed to be cults intensified in 2004 and again in 2006. Authorities continue to close house churches and confiscate property. The government has included in this crackdown groups with ties to foreign co-religionists. Religious adherents serving prison sentences include clergy who printed and distributed religious texts without government permission. Members of unregistered house churches have made some ad-

vances in challenging government actions, but harassment and abuses continue.

*Harassment, Detention, and Other Abuses*

Authorities continue to target some unregistered Protestant communities for harassment, detention, and other abuses. A July 2007 report from a district within Shanghai called on authorities to strengthen control over grassroots religious activity and singled out private Protestant gatherings for monitoring and regulation.<sup>106</sup> The China Aid Association (CAA), a U.S.-based nongovernmental organization that monitors religious freedom in China, recorded 600 detentions of unregistered Protestants in China during 2006. It noted that the figure represents a decline from over 2,000 detentions recorded in 2005, but attributed the decrease to a new strategy of targeting church leaders over practitioners and interrogating practitioners on the spot rather than formally arresting them.<sup>107</sup> The CAA found that 18 people were sentenced to more than a year of imprisonment in 2006.<sup>108</sup> In 2007, seven police officers attacked and wounded Beijing house church pastor and farmer advocate Hua Huiqi and his 76-year-old mother Shuang Shuying.<sup>109</sup> Officials charged Hua, who had been previously detained by local officials, with obstruction of justice and sentenced him to six months in prison. Shuang was charged with willfully damaging property and sentenced to two years in prison. An overseas report in August 2007 indicated that police were using Shuang's imprisonment as leverage to pressure Hua to become a police informant. In September, authorities reportedly denied Shuang medical parole despite her poor health.<sup>110</sup> In October, CAA reported that authorities placed Hua under house arrest on October 1 and informed him that his mother's imprisonment was intended to pressure Hua to stop his activism. CAA reported Shuang had been beaten in prison.<sup>111</sup> Gong Shengliang, founder of the South China Church, continues to serve a life sentence for alleged assault and rape, and is reported to be in poor health.<sup>112</sup> Authorities released Liu Fenggang from prison in February 2007 after he served a three-year sentence for reporting on the government demolition of house churches.<sup>113</sup> CAA reported that authorities later placed him under house arrest, starting on October 1, 2007.<sup>114</sup>

*Closures of Religious Structures and Confiscation of Religious Property*

The government states there are no registration requirements for religious gatherings within the home,<sup>115</sup> but public officials continue to target unregistered Protestant churches for closure and demolition. For example, in July 2007, CAA reported that three underground church buildings in Wenzhou, Zhejiang province faced imminent demolition by local government authorities. The government accused the believers of subscribing to an "evil cult" and threatened to arrest them if they impeded the demolition.<sup>116</sup> In 2006, a court case against religious adherents who had protested the demolition of a church building in the Xiaoshan district of Hangzhou, Zhejiang province, concluded with the sentencing of eight house church leaders for "inciting violence to resist the

law.”<sup>117</sup> According to the CAA, closures of house churches increased between 2005 and 2006.<sup>118</sup>

The government also exerts control over the property of registered Protestant churches. In 2006, approximately 300 members of a registered Protestant church in Gansu province engaged in a peaceful demonstration to demand the return of property that had been confiscated by the government in 1966.<sup>119</sup>

### *Religious Speech*

Chinese authorities continue to punish citizens who publish religious materials without permission, including Protestant religious leaders who have printed and given away Bibles. In separate incidents in 2005 and 2006, pastors Cai Zhuohua and Wang Zaiqing received prison sentences of three and two years, respectively, after each printed and distributed religious materials without government permission. In each case, the sentencing court found that the preparation and distribution of the materials constituted the “illegal operation of a business,” a crime under Article 225 of the Criminal Law.<sup>120</sup> Authorities released Cai from prison upon completion of his three-year prison sentence on September 10, 2007.<sup>121</sup> The government has also detained people for publicizing abuses against house church members. In 2006, Chinese authorities detained a documentary filmmaker who was making a film about house churches and detained a journalist after he posted reports publicizing protests about a church demolition.<sup>122</sup>

### *Challenging Government Actions*

Some members of unregistered churches have used the legal system to challenge government actions. In August 2006, a court in Henan province rescinded a decision to subject a house church pastor to one year of reeducation through labor for participating in a house church gathering authorities deemed illegal. In November 2006, a group in Shandong province that previously had been placed in administrative detention for their attendance at a house church service reached a settlement with the Public Security Bureau to rescind the administrative detention decision against them. [See Section II—Rights of Criminal Suspects and Defendants for more information.] In neither case did the rescission include recognition of practitioners’ right to assemble for worship outside of registered venues for religious activity.<sup>123</sup> Not all challenges to government actions have been successful. In 2007, local governments in Henan province and the Inner Mongolia Autonomous Region rejected unregistered church leaders’ applications for administrative review of their detentions.<sup>124</sup> In addition, rights defenders who have advocated on behalf of house church members and other groups have faced repercussions.<sup>125</sup>

Outside of legal channels, international pressure has resulted in advances for some house churches. CAA reported that international pressure facilitated the release of 33 arrested house church leaders and 3 South Korean church leaders who had been detained after officials raided a house church study group in Henan province in 2007.<sup>126</sup> Two days after two house church pastors appealed for administrative reconsideration regarding a 2007 raid on their church-

es, local officials in Jiangsu province returned confiscated property, citing concerns about negative international repercussions.<sup>127</sup>

*Freedom To Interact with Foreign Co-religionists and Co-religionists Abroad*

Authorities have promoted official exchanges with overseas Protestant churches, including Chinese participation in a 2005 World Council of Churches conference,<sup>128</sup> but have restricted citizens from participating in programs outside these official channels. For example, authorities prevented house church members and legal advocates Fan Yafeng, Gao Zhisheng, and Teng Biao from attending a Washington, DC-based forum on religious freedom in 2005.<sup>129</sup>

In July, the Xinjiang Uighur Autonomous Region (XUAR) government announced it would strengthen oversight of Protestant and Catholic communities to prevent foreign infiltration in the names of these religions.<sup>130</sup> The announcement followed church service raids in the XUAR during 2006 and 2007, including those with foreign worshippers and pastors.<sup>131</sup> According to CAA, more than 60 of over 100 missionaries expelled from China between April and June 2007 came from the XUAR.<sup>132</sup>

The government has punished some house church members for traveling overseas. Unregistered Protestant church leader Zhang Rongliang, who resorted to obtaining illegal travel documents after the government refused to issue him a passport, was sentenced to seven and a half years' imprisonment in 2006 on charges of illegally crossing the border and fraudulently obtaining a passport.<sup>133</sup> Also in 2006, authorities placed house church historian and former political prisoner Zhang Yinan and his family under surveillance after he applied for a passport to attend a religious function in the United States.<sup>134</sup>

GOVERNMENT PERSECUTION OF FALUN GONG

The government has continued its campaign of persecution against Falun Gong practitioners, which it began in 1999. In its 2007 report on religious freedom in China, the U.S. Department of State noted past reports of deaths and abuse of Falun Gong practitioners in custody.<sup>135</sup> Government officials have used both the Criminal Law and administrative punishment regulations as legal pretexts for penalizing Falun Gong activities.<sup>136</sup> Citizens sentenced to prison terms under the Criminal Law include Falun Gong practitioners who demonstrated in support of Falun Gong in 1999, as well as practitioners who prepared leaflets about Falun Gong, including Wang Xin, Li Chang, Wang Zhiwen, and Ji Liewu.<sup>137</sup> Authorities released Yao Jie in 2006 after sentencing her in 1999 to seven years' imprisonment for crimes related to organizing and using a cult and for illegal acquisition of state secrets. The charges stem from accusations that she organized an April 1999 rally of Falun Gong practitioners outside the central government's leadership compound.<sup>138</sup>

Falun Gong practitioners and rights defenders who advocate on their behalf, as well as on behalf of other communities, including house church members, face serious obstacles in challenging gov-

ernment abuses. In 2006, authorities intensified a campaign of harassment against lawyer Gao Zhisheng, who has represented numerous activists, religious leaders, and writers, after he publicized widespread torture against Falun Gong practitioners. A Beijing court convicted him in 2006 to a three-year sentence, suspended for five years, for “inciting subversion of state power.”<sup>139</sup> Gao went missing immediately after an open letter that he sent to the U.S. Congress was made public at a Capitol Hill press conference on September 20, 2007. Authorities also have harassed members of his family.<sup>140</sup> [For additional information, see Section II—Rights of Criminal Suspects and Defendants.] Overseas organizations reported that on September 29, 2007, unidentified assailants beat rights defense lawyer Li Heping, who had advocated on behalf of Falun Gong practitioners and house church members, among others.<sup>141</sup>

In 2006, courts in Shandong province rejected appeals from Liu Ruping and his lawyer that challenged Liu’s sentence of 15 months of reeducation through labor for posting Falun Gong notices.<sup>142</sup>

In 2007, the government used possession of Falun Gong materials as a pretext for squelching a political activist. In March, a court in Zhejiang province gave a three-year sentence to Chi Jianwei, a member of the Zhejiang branch of the China Democracy Party, for “using a cult to undermine implementation of the law” after authorities found Falun Gong materials in his home.<sup>143</sup>

#### OTHER RELIGIOUS AND SPIRITUAL COMMUNITIES

Local governments continue to shut down unauthorized Buddhist and Daoist temples. Towns and cities reported in 2006 on campaigns to address the presence of illegal temples through measures that included closure and demolition.<sup>144</sup> Some local governments have targeted temples that include practices deemed as superstitious beliefs.<sup>145</sup> Other temples have registered and submitted to official control. At a forum evaluating implementation of the Regulation on Religious Affairs in 2007, the president of the Daoist Association of China noted that the regulation has led to the registration of previously unregistered Daoist temples.<sup>146</sup>

The government has supported some official interactions between domestic and foreign Buddhist communities,<sup>147</sup> but also limited some foreign involvement. In 2004, authorities closed a Buddhist temple renovated by an American Buddhist association and detained the temple’s designated leader.<sup>148</sup>

Chinese religious adherents with ties to foreign religious communities not recognized within China have had leeway to practice their religion in some cases. The U.S. Department of State reported in 2006 that some Chinese citizens who joined the Church of Jesus Christ of Latter-day Saints (LDS) while living abroad met for worship in a Beijing location that Chinese authorities permitted expatriate LDS members to use.<sup>149</sup> The central government continues to deny formal recognition to the LDS church as a domestic religious community, however, as it does other religious communities outside the five recognized groups, including Christian denominations that maintain a distinct identity outside the Chinese government-defined Protestant and Catholic churches. A few local governments provide legal recognition to Orthodox Christian com-



munities, but the central government has not recognized Orthodoxy as a religion.<sup>150</sup> In recent years, officials have met with representatives of the Russian Orthodox Church to discuss China's Orthodox communities.<sup>151</sup>

Central and local authorities have drawn some aspects of folk beliefs into official purview. Since at least 2004, the State Administration for Religious Affairs has operated an office that undertakes research and policy positions on folk beliefs and religious communities outside the five recognized groups,<sup>152</sup> but the government has neither extended formal legal recognition to any of these groups nor altered its system whereby religious communities must receive government recognition to operate. In 2006, Hunan province issued the first provincial-level regulation on religious affairs to provide for the registration of venues for folk beliefs.<sup>153</sup> The Hunan provincial government's decision to channel folk religions into the government system of religious regulation provides some limited legal protections, but also may subject more aspects of folk practice to government control. To date, no other provincial regulation has regulated folk beliefs,<sup>154</sup> but a central government official has indicated that the government is studying the Hunan model and may formulate national legal guidance on the regulation of folk belief venues.<sup>155</sup> Authorities continue, however, to express concern over components within recognized religions deemed as folk beliefs, and view some aspects of folk practice as superstitions subject to official censure, and in some cases, legal penalties.<sup>156</sup>

## Endnotes

<sup>1</sup>CECC, 2004 Annual Report, 5 October 2004, 34, 36–37.

<sup>2</sup>CECC, 2006 Annual Report, 20 September 2006, 93.

<sup>3</sup>CECC, 2004 Annual Report, 39; CECC, 2005 Annual Report, 11 October 05, 49; CECC, 2006 Annual Report, 86–87.

<sup>4</sup>See, e.g., CECC, 2005 Annual Report, 52; CECC, 2006 Annual Report, 91.

<sup>5</sup>See discussion *infra* and in Section IV, “Tibet,” for more information on religion-related legislative developments in Tibetan areas of China.

<sup>6</sup>Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, International Religious Freedom Report—2006, China (includes Tibet, Hong Kong, and Macau), 15 September 06. See discussion *infra* for more information on closures of Buddhist and Daoist temples.

<sup>7</sup>Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, International Religious Freedom Report—2007, China (includes Tibet, Hong Kong, and Macau), 14 September 07. The International Religious Freedom Act mandates that the “Country of Particular Concern” designation be made for countries that “engaged in or tolerated particularly severe violations of religious freedom,” and sets out possible courses of action, including sanctions, toward these countries. See International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, 6442(b)(1)(A), 6442 (c), 6445. In 2006, John V. Hanford III, Ambassador at Large for International Religious Freedom, noted that the climate for religious freedom had improved in recent decades but that “a number of setback[s]” have taken place in the past two to three years. Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, On-the-Record Briefing on the Release of the Department of State’s Annual Report on International Religious Freedom, 15 September 06.

<sup>8</sup>See, e.g., PRC Constitution, art. 36; Regulation on Religious Affairs (RRA) [Zongjiao shiwu tiaoli], issued 30 November 04, art. 2; PRC Regional Ethnic Autonomy Law (REAL), enacted 31 May 84, amended 28 February 01, art. 11.

<sup>9</sup>See, e.g., the Universal Declaration of Human Rights (UDHR), adopted and proclaimed by General Assembly resolution 217A (III) of 10 December 48, art. 18.

<sup>10</sup>See, e.g., PRC Constitution, art. 36; RRA, art. 3; REAL, art. 11.

<sup>11</sup>Registration requirements to form a religious organization and establish a venue for religious activities are found in RRA, art. 6 and art. 13–15. See also Measures on the Examination, Approval, and Registration of Venues for Religious Activity [Zongjiao huodong changsuo sheli shenpi he dengji banfa], issued 21 April 05.

<sup>12</sup>See discussion on religious speech, *infra*, as well as “Prior Restraints on Religious Publishing in China” in the CECC Virtual Academy for more information.

<sup>13</sup>See discussions on citizens’ freedom to interact with foreign co-religionists, *infra*.

<sup>14</sup>See the discussion on children, *infra*.

<sup>15</sup>“Head of Religious Association: Religious Adherents Not Arrested Due to Their Faith,” CECC Virtual Academy (Online), 26 June 06.

<sup>16</sup>See, e.g., UDHR, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 18; the International Covenant on Economic, Social, and Cultural Rights (ICESCR) adopted by General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 13(3) (requiring States Parties to “ensure the religious and moral education of . . . children in conformity with [the parents’] own convictions”); and the Convention on the Rights of the Child (CRC), adopted and opened for signature, ratification, and accession by General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, art. 14; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, General Assembly resolution 36/55 of 25 November 81.

<sup>17</sup>China is a party to the ICESCR and the CRC, and a signatory to the ICCPR. The Chinese government has committed itself to ratifying, and thus bringing its laws into conformity with, the ICCPR and reaffirmed its commitment as recently as April 13, 2006, in its application for membership in the UN Human Rights Council. China’s top leaders have previously stated on three separate occasions that they are preparing for ratification of the ICCPR, including in a September 6, 2005, statement by Politburo member and State Councilor Luo Gan at the 22nd World Congress on Law, in statements by Chinese Premier Wen Jiabao during his May 2005 Europe tour, and in a January 27, 2004, speech by Chinese President Hu Jintao before the French National Assembly. As a signatory to the ICCPR, China is required under Article 18 of the Vienna Convention on the Law of Treaties, to which it is a party, “to refrain from acts which would defeat the object and purpose of a treaty” it has signed. Vienna Convention on the Law of Treaties, enacted 23 May 69, entry into force 27 January 80, art. 18.

<sup>18</sup>See General Comment No. 22 to Article 18 of the ICCPR for an official interpretation of freedom of religion as articulated in the ICCPR. General Comment No. 22: The Right to Freedom of Thought, Conscience, and Religion (Art. 18), 30 July 93, para. 1. This section of the Commission’s Annual Report primarily uses the expression “freedom of religion” but encompasses within this term reference to the more broadly articulated freedom of “thought, conscience, and religion” (see, e.g., UDHR, art. 18; ICCPR, art. 18).

<sup>19</sup>ICCPR, art. 18(1), (2), (4). See also General Comment No. 22, para. 1, 2, 4, 6; and CRC, art. 14. See also Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

<sup>20</sup>For more background on government policy to “use law to strengthen management of religious affairs,” see, e.g., Ye Xiaowen, “Preface,” in Shuai Feng and Li Jian, *Interpretation of the Regulation on Religious Affairs* [Zongjiao shiwu tiaoli shiyi], (Beijing: Beijing Religious Culture Press, 2005), 1–2 (pagination for preface); Beatrice Leung, “China’s Religious Freedom Policy: The Art of Managing Religious Activity,” *The China Quarterly*, no. 184, 894, 907–911 (2005).

<sup>21</sup> Zhang Xunmou, Policy and Law Department of the State Administration for Religious Affairs, quoted in Nailene Chou Wiest, "Religious Groups Get More Room to Move," South China Morning Post (Online), 20 October 04.

<sup>22</sup> See, e.g., Public Security Bureau Personnel Training Bureau, Lectures on Domestic Security Defense Studies [Guonei anquan baoweixue jiaocheng] (Beijing: Mass Publishing Company, 2001), 141–142.

<sup>23</sup> Wang Zhimin, "Thoughts on How To Safeguard Social Stability and Supply High-Grade Service in the Course of Developing the West" [Dui xibu dakaifa zhong ruhe weihi shehui wending tigong youzhi fuwu de sikao], in Police Science Society of China, ed., Collected Essays on Public Security Work and Developing the West, (Beijing: Chinese People's Public Security University Press, 2002), 254.

<sup>24</sup> See, e.g., Ye Xiaowen, "Give Play to the Positive Role of Religion in Pushing Forward Social Harmony," Study Times, 25 December 06 (Open Source Center, 8 January 07). For earlier statements, see, e.g., Sun Chengbin and Yin Hongzhu, "National Work Conference on Religious Affairs Held in Beijing, Jiang Zemin Stressed Need to Effectively Do a Good Job in Religious Work at the Beginning of This Century To Serve the Overall Situation of Reform, Development, and Stability," Xinhua, 12 December 01 (Open Source Center, 12 December 01).

<sup>25</sup> See, e.g., Ye, "Give Play to the Positive Role of Religion in Pushing Forward Social Harmony;" "SARA Director Calls for Continued Controls on Religion," CECC China Human Rights and Rule of Law Update, September 2006, 8.

<sup>26</sup> "SARA Director Calls for Continued Controls on Religion," CECC China Human Rights and Rule of Law Update, September 2006, 8.

<sup>27</sup> For more information, see, e.g., CECC, 2006 Annual Report, 89, 93.

<sup>28</sup> Ye Xiaowen, "Correctly Understanding and Handling the Religious Relationship in the Socialist Society—Studying Comrade Hu Jintao's Important Speech at the National United Front Work Conference," Seeking Truth, 18 August 06 (Open Source Center, 23 August 06).

<sup>29</sup> Wu Jiao, "Religious Believers Thrice the Official Estimate: Poll," China Daily, 7 February 07 (Open Source Center, 7 February 07). Figures differ greatly. Unofficial estimates indicate a rapid growth in numbers in some religious communities. For example, overseas sources have estimated that up to 100 million people worship in unregistered Protestant churches and that the number continues to grow. Official government sources have stated that China has 16 million Protestants and 4.5 million Catholics affiliated with the state-controlled Catholic church, but State Administration for Religious Affairs director Ye Xiaowen also reportedly said that China had 130 million Protestants and Catholics as of 2006. For an overview of official and unofficial statistics, see U.S. Department of State, International Religious Freedom Report—2006, China, and U.S. Department of State, International Religious Freedom Report—2007, China.

<sup>30</sup> "Diligently Strengthen the Foundation, Arouse the Passions To Serve the Situation—A Scan of Religious Work in 2005" [Yongxin guben qiangji dongqing fuwu daju—2005 zongjiao gongzuo saomiao], China Religions 2006 volume 1, reprinted on the State Administration for Religious Affairs Web site, 27 January 06.

<sup>31</sup> See, e.g., "SARA Holds First Term of Religious Work Cadre Training" [Guojia zongjiaojubanjubandiyiqizongjiaogongzuoganbupeixunban], United Front Work Department (Online), 4 December 06; "Suzhou Daily: Our City's Religious Personages Discuss Study and Implementation of 'Regulation on Religious Affairs'" [Suzhou ribao: woshi zongjiaojie renshi zuotan xuexi guanche 'zongjiao shiwu tiaoli'], Suzhou Daily, reprinted on the Suzhou Ethnic and Religious Affairs Bureau Web site, 17 March 07.

<sup>32</sup> Measures on the Examination, Approval, and Registration of Venues for Religious Activity; Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism [Cangchuan fojiao huofu zhuanzhi guanli banfa], issued 18 July 07; Measures on Establishing Religious Schools [Zongjiao yuanxiao sheli banfa], issued 1 August 07; Measures for Putting on File the Main Religious Personnel of Venues for Religious Activities [Zongjiao huodong changsuo zhuyao jiaozhi renzhi bei'an banfa], issued 29 December 06; Measures for Putting on File Religious Personnel [Zongjiao jiaozhi renzhi bei'an banfa], issued 29 February 06. Measures Regarding Chinese Muslims Signing Up To Go Abroad on Pilgrimages (Trial Measures) [Zhongguo musuln chuguo chaojin baoming paidui banfa (shixing)], undated (estimated date 2006), available on the SARA Web site. See Section IV—Tibet for an analysis of the Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism.

<sup>33</sup> Shuai and Li, Interpretation of the Regulation on Religious Affairs. This book is written by drafters of the Regulation on Religious Affairs. See p. 6 of the preface. The book includes a preface by State Administration for Religious Affairs (SARA) director Ye Xiaowen and is advertised on the SARA Web site. A Web search of the book's title, limited to Web sites with "gov.cn" in the Web address, found only three local governments reporting on having received or used the text. Web search conducted July 16, 2007. While the text clarifies some ambiguous provisions of the Regulation on Religious Affairs, it also leaves some ambiguities—such as the question of whether religions outside the five belief systems are recognized in practice by the central government—unanswered.

<sup>34</sup> Between March 1, 2005, when the national RRA entered into force, and September 2007, 11 provincial-level areas issued new or amended comprehensive regulations on religious affairs and made the texts available on legal databases and other Web sites. These regulations are: Shanghai Municipality Regulation on Religious Affairs [Shanghai shi zongjiao shiwu tiaoli], adopted 30 November 95, amended 21 April 05; Henan Province Regulation on Religious Affairs [Henan sheng zongjiao shiwu tiaoli], issued 30 July 05; Zhejiang Province Regulation on Religious Affairs [Zhejiang sheng zongjiao shiwu tiaoli], issued 6 December 97, amended 29 March 06; Shanxi Province Regulation on Religious Affairs [Shanxi sheng zongjiao shiwu tiaoli], issued 29 July 05; Anhui Province Regulation on Religious Affairs [Anhui sheng zongjiao shiwu tiaoli], issued 15 October 99, amended 29 June 06 and 28 February 07; Beijing Municipality Regulation on Religious Affairs [Beijing shi zongjiao shiwu tiaoli], issued 18 July 02, amended 28 July 06; Chongqing Municipality Regulation on Religious Affairs [Chongqing shi zongjiao shiwu tiaoli],

issued 29 September 06; Hunan Province Regulation on Religious Affairs [Hunansheng zongjiao shiwu tiaoli], issued 30 September 06; Liaoning Province People's Congress Standing Committee Decision on Amending the Liaoning Province Regulation on Religious Affairs [Liaoningsheng renmin daibiao dahui changwu weiyuanhui guanyu xiugai "Liaoningsheng zongjiao shiwu tiaoli" de jueding], issued on 28 November 98 as the Liaoning Province Regulation on the Management of Religious Affairs, amended and name changed on 1 December 06; Sichuan Province Regulation on Religious Affairs [Sichuansheng zongjiao shiwu tiaoli], issued on 9 May 00 as the Sichuan Province Regulation on the Management of Religious Affairs, amended and name changed on 30 November 06; and Tibet Autonomous Region Implementing Measures for the "Regulation on Religious Affairs" (Trial Measures) [Zizang zizhi shishi "zongjiao shiwu tiaoli" banfa (shixing)], issued 19 September 06. In addition, the Hebei provincial government also amended its 2003 Regulation on Religious Affairs, according to a report from the Hebei Province Ethnic and Religious Affairs Department Web site, but a public copy appears to be unavailable. Hebei Province Ethnic and Religious Affairs Department (Online), "Hebei Province Regulation on Religious Affairs Revised and Promulgated" ["Hebeisheng zongjiao shiwu tiaoli" xiuding bing gongbu], 14 February 07. The Anhui provincial government retained inconsistent provisions in its first amendments, in 2006. For an analysis of the Anhui amendments and other regulations, see "Anhui Government Amends Provincial Religious Regulation," CECC China Human Rights and Rule of Law Update, October 2006, 10–11; "Zhejiang and Other Provincial Governments Issue New Religious Regulations," CECC China Human Rights and Rule of Law Update, June 2006, 9–10; "Beijing Municipality Amends Local Religious Regulation," CECC China Human Rights and Rule of Law Update, November 2006, 8–9; "Chongqing Municipality and Hunan Province Issue New Religious Regulations," CECC Virtual Academy (Online), 4 January 07.

<sup>35</sup> Article 79 of the Legislation Law says that national regulations have higher force than local ones, and Articles 64 and 88 call for amending or canceling local regulations that conflict with national legal sources. PRC Legislation Law [Zhonghua renmin gongheguo lifafa], adopted 15 March 00. Nonetheless, out-of-date provisions remain within local-level legislation. For example, the Guangdong Province Regulation on the Administration of Religious Affairs retains a provision requiring yearly inspections of venues for religious activities in accordance with a national legal measure (banfa) on the topic, but subsequent legal developments have voided this legal guidance. See Guangdong Province Regulation on the Administration of Religious Affairs [Guangdongsheng shiwu guanli tiaoli], adopted 26 May 00, art. 15. See also "Beijing Municipality Amends Local Religious Regulation," CECC China Human Rights and Rule of Law Update, November 2006, 8–9; and Shuai and Li, Interpretation of the Regulation on Religious Affairs, 93. According to this book of interpretations, the national RRA annuls an earlier measure requiring yearly inspections. This annulment is not explicit within the text of the RRA itself.

<sup>36</sup> Hunan Province Regulation on Religious Affairs, art. 48. See also "Chongqing Municipality and Hunan Province Issue New Religious Regulations," CECC Virtual Academy (Online), 4 January 07.

<sup>37</sup> Tibet Autonomous Region Implementing Measures for the "Regulation on Religious Affairs," art. 36–40.

<sup>38</sup> See, e.g., "Zhejiang and Other Provincial Governments Issue New Religious Regulations," CECC China Human Rights and Rule of Law Update, June 2006, 9–10, for a comparison of regulations from four provincial-level areas.

<sup>39</sup> The central government has referred to the five religions as China's main religions, but in practice the state has created a regulatory system that institutionalizes only these five religions for recognition and legal protection. See, e.g., State Council Information Office, White Paper on Freedom of Religious Belief in China, October 1997 (Online) (stating that the religions citizens "mainly" follow are Buddhism, Daoism, Islam, Catholicism, and Protestantism). Wording from this White Paper is posted as a statement of current policy on the Web sites of the United Front Work Department, the agency that oversees religious affairs within the Communist Party, and the State Administration for Religious Affairs (SARA). Some local regulations on religious affairs define religion in China to mean only these five categories. See, e.g., Guangdong Province Regulation on the Administration of Religious Affairs, art. 3, and Henan Province Regulation on Religious Affairs, art. 2. There is some limited tolerance outside this framework for some ethnic minority and "folk" religious practices. See text *infra* and see also Kim-Kwong Chan and Eric R. Carlson, Religious Freedom in China: Policy, Administration, and Regulation (Santa Barbara: Institute for the Study of American Religion, 2005), 9–10, 15–16. Some local governments have recognized the Orthodox church. See the discussion, *infra*, on Orthodoxy in China. Officials told a visiting U.S. delegation in August 2005 that they were considering at the national level whether to allow some other religious communities, including the Orthodox church, to register to establish organizations or religious activity venues, but no decisions in this area have been reported. U.S. Commission on International Religious Freedom (USCIRF), "Policy Focus: China," 9 November 05, 4. See also "A Year After New Regulations, Religious Rights Still Restricted, Arrests, Closures, Crackdowns Continue," Human Rights Watch (Online), 1 March 06 (reporting no decision on whether or not to recognize additional religions).

<sup>40</sup> See, e.g., RRA, art. 6 (requiring religious organizations to register in accordance with the Regulations on the Management of the Registration of Social Organizations); art. 8 (requiring an application to the State Administration for Religious Affairs (SARA) to establish an institute for religious learning); art. 13–15 (imposing an application procedure to register venues for religious activity); art. 27 (requiring the appointment of religious personnel to be reported to the religious affairs bureau at or above the county level and requiring reporting the succession of living Buddhas for approval to governments at the level of a city divided into districts or higher, and requiring reporting for the record the appointment of Catholic bishops to SARA).

<sup>41</sup> These Party-led associations are sometimes also referred to as "patriotic religious associations."

<sup>42</sup> For a description of the religious associations in Chinese sources, see Shuai and Li, Interpretation of the Regulation on Religious Affairs, 4–5.

<sup>43</sup> Authorities accused the monk of engaging in improper relations with lay practitioners and dismissed him on those alleged grounds. “Jiangxi Buddhist Master Accused of Being a Womanizer and Driven Out of Temple,” Sing Tao Jih Pao, 25 August 06 (Open Source Center, 27 August 06). “Top Buddhist Officials Join in Persecution of Activist Monk,” Human Rights in China (Online), 23 August 06.

<sup>44</sup> Human Rights Watch and Human Rights in China, “Devastating Blows: Religious Repression of Uighurs in Xinjiang,” April 2005, 49–53, 55–57 (pagination follows “text-only” pdf download of this report).

<sup>45</sup> Some organizations operate without any registration and are tolerated by local authorities. A limited number of organizations have registered with local officials without affiliating with a Party-controlled religious association. U.S. Department of State, International Religious Freedom Report—2006, China.

<sup>46</sup> See CECC, 2004 Annual Report, Section III(c) Freedom of Religion, for more information.

<sup>47</sup> Ministry of Public Security (Online), “Liu Jinguo’s Speech at Conference on National Work To Investigate and Deal with Rural Districts That Have Public Order in Disarray” [Liu Jianguo zai quanguo paicha zhengzhi nongcun zhi’an hunluan diqu huiyi shang de fayan], 6 July 07. The China Aid Association (CAA) reported detentions in the aftermath of the campaign’s launch. “Chinese Government Launched Nationwide Campaign against Uncontrolled Religious Activities; Massive Arrests Occurred in Inner Mongolia, Liaoning, Xinjiang, Jiangsu, Henan, Shandong, and Anhui,” CAA (Online), 24 August 07.

<sup>48</sup> “Our District’s Work on the Administration of Abnormal Religious Activities Is Taking on a Desirable Posture” [Woqu feizhengchang zongjiao huodong zhili gongzuo xingcheng lianghao taishi], Baoshan Ethnicities and Religion Net (Online), 20 July 07.

<sup>49</sup> See, e.g., RRA, art. 4 and White Paper on Freedom of Religious Belief in China, for more information on these principles.

<sup>50</sup> “PRC Public Security Minister Zhou Yongkang Urges Crackdown on ‘Hostile Forces,’” Agence France-Presse, 20 March 07 (Open Source Center, 20 March 07). Zhou made a similar statement again in September, calling for increased security specifically for the 17th Party Congress, scheduled for October 2007. Shi Jiangtao, “Crackdown by Police Ahead of Party Congress,” South China Morning Post (Online), 7 September 07. After Western media reported that foreign missionaries planned to increase their presence during the Olympics, Party-led China Christian Council head Cao Shengjie told foreign groups to adhere to Chinese rules and not engage in religious activities without invitation from the Party-led Protestant church. Kristine Kwok, “Olympic Missionaries Warned To Follow Rules,” South China Morning Post (Online), 29 May 07; “Thousands Planning to Bring the Gospel to China During the Olympic Games,” AsiaNews (Online), 21 May 07.

<sup>51</sup> “Government Intervenes into a Three-Self Church in Shanxi Province, Pastor Evicted,” CAA (Online), 9 August 06.

<sup>52</sup> “Over 100 Foreign Missionaries Expelled or Forced To Leave by Chinese Government Secret Campaign,” CAA (Online), 10 July 07. For additional reporting on this news, see, e.g., Alexa Olesen, “Christian Aid Group Says China Kicking Out Foreign Missionaries Ahead of 2008 Olympics,” Associated Press (via Nexis), 10 July 07 (citing a U.S. Embassy spokesperson who said her office had “heard some reports of deportations.”)

<sup>53</sup> Detailed Implementing Rules for the Provisions on the Management of the Religious Activities of Foreigners within the PRC [Zhonghua renmin gongheguo jingnei waiguoren zongjiao huodong guanli guiding shishi xize], issued 26 September 00, art. 17.

<sup>54</sup> Ministry of Foreign Affairs (Online), “MFA Spokesperson Liu Jianchao Answers Reporters Questions” [Waijiaobu fayanren Liu Jianchao huida jizhe tiwen], 16 March 05.

<sup>55</sup> See, e.g., Fujian Province Implementing Measures on the Law on the Protection of Minors [Fujiansheng shishi “Zhonghua renmin gongheguo weichengnianren baohufa” banfa], issued 21 November 94, amended 25 October 97, art. 33; Inner Mongolia Autonomous Region (IMAR) Implementing Measures on the Management of Venues for Religious Activity [Neimenggu zizhiqu zongjiao huodong changsuo guanli shishi banfa], issued 23 January 96, art. 13. While the national regulation addressed in the IMAR measures was annulled in 2005, the IMAR measures appear to remain in force.

<sup>56</sup> U.S. Department of State, International Religious Freedom Report—2006, China.

<sup>57</sup> Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, Country Reports on Human Rights Practices—2006, China (includes Tibet, Hong Kong, and Macau) (Online), 6 March 07.

<sup>58</sup> Elisabeth Allès, “Muslim Religious Education in China,” 45 Perspectives Chinoises (January–February 2003) (Online); Will Religion Flourish Under China’s New Leadership? Staff Roundtable of the Congressional-Executive Commission on China, 24 July 03, Testimony of Dr. Jacqueline M. Armijo-Hussein, Assistant Professor, Department of Religious Studies, Stanford University.

<sup>59</sup> See, e.g., Sara L.M. Davis, “Dance, Or Else: China’s ‘Simplifying Project,’” China Rights Forum 2006, No. 4—Ethnic Groups in China, 20 December 06.

<sup>60</sup> See CECC 2004 Annual Report, 37, for more details on these campaigns.

<sup>61</sup> Ye Xiaowen, “Correctly Understanding and Handling the Religious Relationship in the Socialist Society—Studying Comrade Hu Jintao’s Important Speech at the National United Front Work Conference.”

<sup>62</sup> RRA, art. 34.

<sup>63</sup> See, e.g., Guangdong Province Ethnic and Religious Affairs Commission (Online), “Shantou City Religious Circles Launch Compassion Activities to Help Haojiang District’s Dusheng Village Resume Work After Disaster” [Shantoushi zongjiaojie kaizhan aixin huodong bangzhu haojiangqu dushengcun zuohao zaihou huifu gongzuo], 12 June 06; Hebei Province Ethnic and Religious Affairs Department (Online), “Hebei Province’s Two Catholic Associations Establish the ‘Hebei Promote-Virtue Charity Service Center’” [Hebeisheng tianzhujiao lianghui chengli “Hebei jin de gongyi shiye fuwu zhongxin”], 14 July 06.

<sup>64</sup> Susan K. McCarthy, "The Three Represents and the Four Noble Truths: Faith-Based Civil Society Organizations in Contemporary China," Paper submitted for the 2007 annual meeting of the Association of Asian Studies, March 22–25, Boston, 9–10. [On File.]

<sup>65</sup> See, e.g., "Muslim Hands Reach Out to Gansu," China Development Brief (Online), 6 May 05; "MH in China: 70 Kids Have Cleft Lip Correction," Muslim Hands Feedback Report 2004 (Online), last visited 6 October 07; Correspondence to the CECC, 9 May 06; Elaine Chan, "Beyond Parallel," South China Morning Post, 30 September 06.

<sup>66</sup> See Section II—Civil Society, *infra*, for more information.

<sup>67</sup> See, e.g., Jay Dautcher, "Public Health and Social Pathologies in Xinjiang," in *Xinjiang: China's Muslim Borderland*, ed. S. Frederick Starr (Armonk, New York: M.E. Sharpe, 2004), 285–6.

<sup>68</sup> This overview paragraph provides a summary of key issues of concern. See the text that follows the paragraph for more information, including detailed citations.

<sup>69</sup> CECC, 2005 Annual Report, 49.

<sup>70</sup> "Underground Bishop Jia Zhiguo Is Arrested Again," Cardinal Kung Foundation (Online), 6 June 07 "Mgr. Jia Zhiguo, Underground Bishop Is Freed," AsiaNews, reprinted on the CAA Web site, 23 June 07.

<sup>71</sup> "Mgr. Julius Jia Zhiguo, Who Wanted To Disseminate the Pope's Letter, Is Arrested," AsiaNews (Online), 23 August 07.

<sup>72</sup> "Underground Bishop Jia Zhiguo Is Arrested Again," Cardinal Kung Foundation. See the CECC Political Prisoner Database for more information.

<sup>73</sup> CECC, 2006 Annual Report, 87.

<sup>74</sup> U.S. Department of State, International Religious Freedom Report—2006, China.

<sup>75</sup> "Officials Assault Nuns Over Land Dispute in Shaanxi Province," CECC China Human Rights and Rule of Law Update, March 2006, 11; "Registered Catholics Claim Property in Tianjin," CECC China Human Rights and Rule of Law Update, March 2006, 11–12; "Nuns and Alleged Assailants Reach Out-of-Court Settlement in Xi'an Beating Case," CECC China Human Rights and Rule of Law Update, December 2006, 9.

<sup>76</sup> "Chinese Government Appoints Bishop Without Holy See Approval," CECC China Human Rights and Rule of Law Update, December 2006, 5–6. Wang's ordination followed the CPA's ordinations in April and May 2006 of other bishops who also lacked Holy See approval.

<sup>77</sup> "Guizhou Scheduled To Hold First Episcopal Ordination Since Papal Letter," Union of Catholic Asian News (UCAN) (Online), 3 September 07; "Vatican Approval for Guiyang Episcopal Ordination Made Public," AsiaNews (Online), 10 September 07.

<sup>78</sup> "Beijing Ordination Had Papal Approval," UCAN (Online), 22 September 07; "New Bishop Vows To Lead Catholics Contributing to a Harmonious Society," UCAN (Online), 21 September 07. Holy See approval was not openly made known until after the ordination. Earlier articles on Li's nomination differed on whether Li had received approval. "China Nominates Bishop, Threatening Vatican Rift," Reuters (Online), 18 July 07. The Vatican has expressed some support for Li, whom outside media has suggested is less entrenched in official Chinese Catholic institutions than his predecessor, Fu Tieshan. "The New Bishop of Beijing is Elected," AsiaNews (Online), 18 July 07. "Vatican Welcomes New China Bishop," BBC (Online), 19 July 07. "Beijing Getting Ready for the Ordination of Mgr Li Shan, CCPA Seizes Bishop's Residence," AsiaNews (Online), 17 September 07. For Chinese reporting on the appointment, see "Li Shan Picked as Bishop of Beijing Diocese" [Li Shan dangxuan tianzhujiao Beijing jiaoqu zhujiao], China Ethnicity News (Online), 3 August 07.

<sup>79</sup> "Letter of the Holy Father Pope Benedict XVI to the Bishops, Priests, Consecrated Persons and Lay Faithful of the Catholic Church in the People's Republic of China," Vatican Web site, 27 May 07. Though dated May 27, the Holy See released the letter on June 30. "More on Pope's Letter to China Over Religious Freedom, Appointment of Bishops," Agence France-Presse, 30 June 07 (Open Source Center, 30 June 07).

<sup>80</sup> "Beijing Removes Papal Letter to Chinese Church from Web," AsiaNews (Online), 3 July 07.

<sup>81</sup> "Priests Arrested and Put into Solitary Confinement: the Governments Answer to the Pope's Letter," AsiaNews (Online), 2 August 07.

<sup>82</sup> Yang Yingchun, "Ismail Tiliwaldi, While Speaking at an Autonomous Region-Wide Religion Work Meeting, Calls for Stronger Management Over Pilgrimage and the 'Two Religions' To Safeguard the Masses' Interest," Xinjiang Daily, 11 July 07 (Open Source Center, 13 July 07); "Autonomous Prefecture's Religion Meeting Stresses Strengthening Management of Religion, Safeguarding Social Stability" [Zizhizhou zongjiao huiyi qiangdiao jiaqiang zongjiao guanli weihu shehui wending], Changji Evening News, reprinted on the Changji Hui Autonomous Prefecture Government Web site, 14 August 07.

<sup>83</sup> "Two Priests Detained in Wenzhou After Arrest on Return from Europe," UCAN, 3 October 06; "Underground Chinese Catholic Priests Charged, Likely To Face Trial," UCAN (Online), 26 October 06. "Two Underground Priests from Wenzhou Soon To Be Freed," AsiaNews, 17 May 07; "Two Underground Priests, Arrested After Pilgrimage, Sentenced Six Months After Arrest," UCAN (Online), 16 May 07. Authorities released Shao from prison in May 2007 to obtain medical treatment. "Jailed Wenzhou Priest Released Provisionally for Medical Treatment," UCAN, 30 May 07. Authorities released Jiang in August. "Second Of Two Jailed Wenzhou Priests Released, Diagnosed With Heart Conditions," UCAN, 29 August 07. See the CECC Political Prisoner Database for more information. Jiang Surang is also known by the name Jiang Sunian.

<sup>84</sup> This overview paragraph provides a summary of key issues of concern. See the text that follows the paragraph for more information, including detailed citations.

<sup>85</sup> Human Rights Watch, "Devastating Blows," 73–74. The report cites official data published in 2001.

<sup>86</sup> *Ibid.*, 69.

<sup>87</sup> "Teacher and 37 Students Detained for Studying [sic] Koran in China: Rights Group" Agence France-Presse, 15 August 05 (Open Source Center, 15 August 05).

<sup>88</sup>“Three Detained in East Turkistan for ‘Illegal’ Religious Text,” Uyghur Human Rights Project (Online), 3 August 05.

<sup>89</sup>See, e.g., “Xinjiang Government Continues Restrictions on Mosque Attendance,” CECC China Human Rights and Rule of Law Update, March 2006, 8. XUAR regulations forbid parents from allowing children to engage in religious activities, and mosques have restricted children’s entry. The U.S. Department of State noted in its 2006 Country Reports on Human Rights Practices for China, however, that such restrictions were not uniformly enforced in practice. U.S. Department of State, Country Reports on Human Rights Practices—2006, China.

<sup>90</sup>Human Rights Watch, “Devastating Blows,” 55–56.

<sup>91</sup>USCIRF, “Policy Focus: China,” 6.

<sup>92</sup>RRA, art. 11, 43.

<sup>93</sup>“Islamic Congress Establishes Hajj Office, Issues New Rules,” CECC Human Rights and Rule of Law Update, June 2006, 12–13.

<sup>94</sup>“Government Increases Controls Over Muslim Pilgrimages,” CECC Human Rights and Rule of Law Update, December 2006, 20; Circular of Provisions Regarding Organizing and Carrying Out Secondary Pilgrimage Activities [Guanyu zuzhi kaizhan fuchao huodong ruogan guiding de tongzhi], August 2006.

<sup>95</sup>U.S. Department of State, International Religious Freedom Report—2007, China (noting reasons why some Uyghur Muslims in particular have avoided participating in official trips).

<sup>96</sup>Jackie Armijo, “Islamic Education in China,” 9 Harvard Asia Quarterly, (Winter 2006) (Online).

<sup>97</sup>Cheng Lixin, “Wang Lequan, Speaking at the Feedback Meeting of the United Front and Religious Affairs Investigation and Study Team, Emphasizes the Need To Strengthen Management of Pilgrimage Activity To Safeguard the Masses Interests,” Xinjiang Daily, 19 June 07 (Open Source Center, 25 June 07); “China Confiscates Muslims’ Passports,” Radio Free Asia (Online), 27 June 07; “Activist: Members of Muslim Minority Group in China Forced To Surrender Their Passports,” Associated Press, reprinted in the International Herald Tribune, 20 July 07.

<sup>98</sup>Yang, “Ismail Tiliwaldi, While Speaking at an Autonomous Region-Wide Religion Work Meeting, Calls for Stronger Management Over Pilgrimage and the ‘Two Religions’ To Safeguard the Masses’ Interest.”

<sup>99</sup>“Over 70,000 Illegal Publications ‘Smashed to Dust’ [7 wan duo ce feifa chubanwu ‘fenshensuigu’], Xinjiang Legal Daily (Online), 6 August 07.

<sup>100</sup>“Xinjiang Government Seizes, Confiscates Political and Religious Publications,” CECC Human Rights and Rule of Law Update, July 2006, 7–8.

<sup>101</sup>“Xinjiang Uighur Autonomous Region Destroys 29 Tons of Illegal Books” [Xinjiang weiwuer zizhiqu xiaohui 29 dun feifa tushu], Tianshan Net (Online), 16 March 06.

<sup>102</sup>Xinjiang Uighur Autonomous Region Implementing Measures of the Law on the Protection of Minors [Xinjiang weiwuer zizhiqu shishi “Weichengnianren baohufa” banfa], issued 25 September 93, art. 14. No other provincial or national regulation on minors or on religion contains this precise provision. Devastating Blows, 58.

<sup>103</sup>“Local Governments in Xinjiang Continue Religious Repression During Ramadan,” CECC Virtual Academy, 12 December 06. Some local governments also extended these campaigns to teachers.

<sup>104</sup>Kashgar Government (Online), “Yopurgha County Implements ‘Mandatory Visits System’ Among Students in Elementary and Secondary Schools,” [Yuepuhuxian zai zhongxiaoxuesheng zhong shixing “bifangzhi”], 11 October 06.

<sup>105</sup>This overview paragraph provides a summary of key issues of concern. See the text that follows the paragraph for more information, including detailed citations.

<sup>106</sup>The document says that meetings that are “purely” gatherings of family members within the home should be placed under normal management, and non-family gatherings that are large in scope and disruptive should be stopped and participants urged to go to approved sites of worship. Gatherings with elements of cult practices or foreign infiltration should be dispelled and if necessary subject to penalties. “Our District’s Work on the Administration of Abnormal Religious Activities Is Taking on a Desirable Posture” [Woqu feizhengchang zongjiao huodong zhili gongzuo xingcheng lianghao taishi], Baoshan Ethnicities and Religion Net (Online), 20 July 07.

<sup>107</sup>“Annual Report on Persecution of Chinese House Churches by Province from January 2006 to December 2006,” CAA (Online), January 2007, 3.

<sup>108</sup>CAA noted that while church members are often released after interrogation, authorities have held church leaders for longer periods, in some cases imposing prison sentences. Ibid., 19.

<sup>109</sup>“Beijing House Church Activist Hua Huiqi and His Mother Attacked and Detained by Police,” CAA (Online), 27 January 07. See the CECC Political Prisoner Database for additional information.

<sup>110</sup>“Beijing House Church Activist Hua Huiqi Sentenced for 6 Months Secretly,” CAA (Online), 4 June 07; “House Church Christian Activist Hua Huiqi and Mr. Qi Zhiyong Were Removed from Home Before US Presidential Visit,” CAA (Online), 21 November 05; “Activist’s Mother ‘Held Hostage’ for Information,” Human Rights In China (HRIC) (Online), 17 August 07; “Elderly Activist Denied Medical Parole,” HRIC (Online), 13 September 07. See the CECC Political Prisoner Database for more information.

<sup>111</sup>“Prominent Beijing Rights Defense Christian Lawyer Li Heping Kidnapped and Tortured; Two Beijing Christian Activists Held Under House Arrest,” CAA, reprinted in Christian News Wire, 3 October 07.

<sup>112</sup>See the CECC Political Prisoner Database for more information. See also “UN Petition Submitted for Jailed Ailing Church Leader; Medical Parole Appeal Filed by Family Members,” CAA (Online), 12 July 06. Gong’s accusers say they were tortured into signing allegations against Gong. Authorities originally charged Gong with using a cult to undermine the implementation of the law, along with premeditated assault, and rape, but the cult charges were later

dropped. Examples of cult activity included carrying out unauthorized missionary activities and publishing and distributing a church periodical.

<sup>113</sup>“Beijing House Church Activist Liu Fenggang Released,” CAA (Online), 7 February 07.

<sup>114</sup>“Prominent Beijing Rights Defense Christian Lawyer Li Heping Kidnapped and Tortured; Two Beijing Christian Activists Held Under House Arrest,” CAA.

<sup>115</sup>White Paper on Freedom of Religious Belief in China.

<sup>116</sup>“Three House Church Buildings in Zhejiang Facing Imminent Destruction by Government,” CAA (Online), 14 July 07.

<sup>117</sup>“Basic People’s Court of Xiaoshan District, Hangzhou City, Criminal Judgment” [Hangzhou xiaoshanqu renminfayuan xingshi panjueshu], 22 December 06, reprinted on the CAA Web site, 15 January 07.

<sup>118</sup>“Annual Report on Persecution of Chinese House Churches,” CAA, 3–4.

<sup>119</sup>“Church Property in Gansu Occupied by the Government, 300 Christians Protest by Sitting Demonstration; 3 Singapore Christians Arrested & Released in Xinjiang, 5 Local Believers Still in Detention,” CAA (Online), 31 October 06. Government officials threatened to withhold retirement benefits to church members and reportedly used violence against the demonstrators. The group reportedly reached a compromise with authorities. “Annual Report on Persecution of Chinese House Churches,” CAA, 19.

<sup>120</sup>See the CECC Political Prisoner Database for more information about these cases. CAA reported in September 2007 that authorities arrested Zhou Heng, a house church leader in the Xinjiang Uighur Autonomous Region, on August 31 after he received a shipment of Bibles reported to have been donated by an overseas church. Authorities accused him of illegally operating a business. “House Church Leader in Xinjiang Formally Arrested for Receiving Bibles and Abused in Jail,” CAA (Online), 5 September 07. In March 2007, CAA reported that authorities arrested unregistered church leader Chen Jiayi in January 2007 for distributing religious literature, on the grounds he was illegally managing a business. CAA reported that Chen was expected to stand trial soon but has not reported further information on the case. “House Church Leaders Arrested in Liaoning and Anhui Province,” CAA (Online), 31 March 07. In 2006, the CAA reported that authorities levied a similar charge on pastor Liu Yuhua after he printed and distributed religious literature. “Multiple Arrests of Protestants Occurred in Shandong and Jiangsu; One South Korea Missionary Expelled from China; Prominent Chinese Legal Scholar Banned to Go Abroad,” CAA (Online), 16 May 06.

<sup>121</sup>“Renowned Beijing Church Leader Cai Zhuohua Released After Three Years Imprisonment for Distributing Bibles; Forced Labor for Olympics Products Imposed,” CAA (Online), 14 September 07.

<sup>122</sup>“Chinese Authorities Release House Church Filmmaker After 140 Days in Custody,” CECC Human Rights and Rule of Law Update, September 2006, 9; “Journalist Arrested for Posting Reports About Crackdown on Christians,” Reporters Without Borders (Online), 11 August 06.

<sup>123</sup>“House Church Members Successfully Fight Detentions For Unauthorized Worship,” CECC Virtual Academy, 19 December 06.

<sup>124</sup>The church leaders have since filed lawsuits against the government. According to an April report from the China Aid Association, Dong Quanyu and Li Huaige of Henan province await a decision on whether their case will be heard. In April 2007, the People’s Court of Duolun County, Inner Mongolia Autonomous Region accepted Zhi Ruiping’s case for an upcoming trial. “Released Church Leaders in Henan and Inner Mongolia File Lawsuit Against Abusers in the Government,” CAA (Online), 18 April 07.

<sup>125</sup>See the subsection on “Government Persecution of Falun Gong,” *infra*, for more information.

<sup>126</sup>“Thirty-Three Chinese and Three Korea[n] Pastors Released in Henan After International Religious Pressure; One Sentenced for 10 Days Detention,” CAA (Online), 7 March 07.

<sup>127</sup>“Confiscated Church Properties in Jiangsu Returned after International Pressure,” CAA (Online), 11 May 07.

<sup>128</sup>“Delegation of Chinese Protestants Attends International Mission Conference,” CECC Human Rights and Rule of Law Update, June 2005, 6.

<sup>129</sup>“House Church Lawyers Promote Religious Freedom Through the Rule of Law,” CECC Human Rights and Rule of Law Update, July 2006, 3.

<sup>130</sup>Yang, “Ismail Tiliwaldi, While Speaking at an Autonomous Region-Wide Religion Work Meeting, Calls for Stronger Management Over Pilgrimage and the ‘Two Religions’ To Safeguard the Masses’ Interest.” This call was reiterated by local authorities in Changji Hui Autonomous Prefecture in August. “Autonomous Prefecture’s Religion Meeting Stresses Strengthening Management of Religion, Safeguarding Social Stability,” Changji Evening News.

<sup>131</sup>See, e.g., “Massive Arrest of Chinese and American Christian Leaders in Xinjiang,” CAA (Online), 24 April 07; “3 Singapore Christians Arrested and Released in Xinjiang, 5 Local Believers Still in Detention,” CAA (Online), 31 October 06; “35 Arrested Christians in Xinjiang Released after Interrogation; American Korean Pastor Put Under Surveillance in a Hotel,” CAA (Online), 27 October 06; “On Christmas Day, Christmas Services Stopped in Xinjiang; House Church Leaders Arrested; Persecution Against Beaten Christian Businessman Intensified,” CAA (Online), 27 December 05.

<sup>132</sup>“Over 100 Foreign Missionaries Expelled or Forced To Leave by Chinese Government Secret Campaign,” CAA (Online), 10 July 07.

<sup>133</sup>“China Sentences Underground Pastor to 7.5 Years in Prison,” Agence France-Presse (Online), 12 July 06. See the CECC Political Prisoner Database for more information.

<sup>134</sup>Timothy Chow, “Chinese House Church Historian Denied ID Card,” Compass Direct News, reprinted on the CAA Web site, 17 February 06.

<sup>135</sup>U.S. Department of State, International Religious Freedom Report—2007, China.

<sup>136</sup>“Head of Religious Association: Religious Adherents Not Arrested Due to Their Faith,” CECC Virtual Academy (Online), 26 June 06; “Falun Gong Practitioners To Be Punished Under



New Administration Punishment Law,” CECC China Human Rights and Rule of Law Update, May 2006, 6.

<sup>137</sup> See the CECC Political Prisoner Database for more information.

<sup>138</sup> See the CECC Political Prisoner Database for more information.

<sup>139</sup> See the CECC Political Prisoner Database for more information.

<sup>140</sup> See China Human Rights Lawyers Concern Group (Online), “Demand Immediate Release of Beijing Human Rights Lawyer Gao Zhisheng,” 27 September 07. For more information about Gao’s open letter, which called on the Congress to take action against the Chinese government’s human rights abuses, see Human Rights Torch Relay (Online), “Gao Zhisheng’s letter to the Senate and the Congress of the United States,” 12 September 07; Bill Gertz, “Chinese dissident urges boycott of Olympics,” Washington Times (Online), 21 September 07.

<sup>141</sup> “Prominent Beijing Rights Defense Christian Lawyer Li Heping Kidnapped and Tortured; Two Beijing Christian Activists Held Under House Arrest,” CAA; “Amnesty International’s Urgent Appeal for Beijing Human Rights Lawyer Li Heping, Who Was Abducted and Assaulted,” Amnesty International, reprinted in CAA (Online), 4 October 07.

<sup>142</sup> “House Church Members Successfully Fight Detentions For Unauthorized Worship,” CECC Virtual Academy, 19 December 06; “Court Officials Refuse Falun Gong Practitioner’s Appeal of RTL Sentence,” CECC Virtual Academy, 3 November 06.

<sup>143</sup> See the CECC Political Prisoner Database for more information.

<sup>144</sup> See, e.g., “Dachang Demolishes Illegal Small Temple According to Law” [Dachang zhen yifa chaichu yichu feifa xiao miao], Shanghai Baoshan Ethnicity and Religion Net (Online), 1 September 06; Mianyang City Bureau of Ethnic and Religious Affairs (Online), “Govern According to the Law for Good Results, Strength To Demolish ‘Illegal Small Temples’ Great,” [Yifa zhili xiaoguo hao, chai “feifa xiao miao” lidu da], 08 June 06.

<sup>145</sup> See, e.g., “Investigative Report on the Situation of Unregistered Small Temples and Convents” [Weijing zhengfu dengji de xiao miao xiao an qingkuang de diaoyan baogao], Xiaogang Information Net (sponsored by the Beilun District People’s Government Xiaogang Neighborhood Committee Office) (Online), 12 September 06; “Some Reflections on Rural Religious Work in a New Period” [Xin shiqi nongcun zongjiao gongzuo de jidian sikao], Yixing United Front Web Site (Online), 13 June 05.

<sup>146</sup> State Administration for Religious Affairs (Online), “Forum for Religious Personages Opens in Beijing at Second-year Anniversary of the Implementation of the ‘Regulation on Religious Affairs’” [“Zongjiao shiwu tiaoli” shishi liang zhou nian zongjiaojie renshi zuotanhui zai jing zhaokai], 3 March 07.

<sup>147</sup> See, e.g., “China Exclusive: China Supports Buddhism in Building Harmonious World,” Xinhua, 12 April 06 (Open Source Center, 12 April 06).

<sup>148</sup> Jim Yardley, “In Crackdown, China Shuts Buddhist Site and Seizes Catholic Priests,” New York Times, 19 August 04.

<sup>149</sup> U.S. Department of State, International Religious Freedom Report—2006, China.

<sup>150</sup> Among provincial-level areas, the Heilongjiang Regulation on the Management of Religious Affairs and Inner Mongolia Autonomous Region Implementing Measures for the Management of Venues for Religious Activity recognize the Orthodox Church. Heilongjiang Regulation on the Management of Religious Affairs [Heilongjiangsheng zongjiao shiwu guanli tiaoli], issued 12 June 97, art. 2; Inner Mongolia Autonomous Region Implementing Measures for the Management of Venues for Religious Activity [Nei menggu zizhiqu zongjiao huodong changsuo guanli shishi banfa], issued 23 January 96, art. 2.

<sup>151</sup> For more information see “Religious Freedom for China’s Orthodox Christians” in the CECC 2005 and 2006 Annual Reports.

<sup>152</sup> In addition to work in these areas, it also oversees anti-cult work and addresses “foreign infiltration.” The Web site of the State Administration for Religious Affairs (SARA) includes a description of this office but does not indicate when it was established. The curriculum vitae for a SARA staff members notes he was made head of this department in December 2004. The Hong Kong newspaper Ta Kung Pao reported the establishment of this department in September 2005. Chan and Carlson write that authorities decided at a January 2004 conference to establish a SARA department focused on folk beliefs. Chan and Carlson, 15–16. State Administration for Religious Affairs (Online), “Fourth Work Department” [Yewu sisi], last visited 6 October 07; State Administration for Religious Affairs (Online), “CV of [SARA Official] Jiang Jianyong” [Jiang Jianyong jianli], last viewed 6 October 07. “Religious Affairs Bureau Establishes Special Department To Manage Folk Religions” [Zongjiaojie she zhuansi guanli minjian zongjiao], Ta Kung Pao (Online), 20 September 05.

<sup>153</sup> Hunan Province Regulation on Religious Affairs, art. 48. See also “Chongqing Municipality and Hunan Province Issue New Religious Regulations,” CECC Virtual Academy (Online), 4 January 07. Some localities outside Hunan province also regulate folk beliefs. See, e.g., “Xiamen Exchanges Experiences on Management of Venues for Folk Beliefs” [Xiamen jiaoliu minjian xinyang huodong changsuo guanli jingyan], China Ethnicities News (Online), 6 February 07; “Yanping District, Jian’ou City Standardizes Financial Management of Venues for Folk Beliefs,” [Jian’ou shi yanping qu guifan minjian xinyang changsuo caiwu guanli], China Ethnicities News (Online), 13 February 07.

<sup>154</sup> “Chongqing Municipality and Hunan Province Issue New Religious Regulations,” CECC Virtual Academy (Online), 4 January 07.

<sup>155</sup> Hunan Provincial Religious Affairs Bureau (Online), “State Administration for Religious Affairs Comes To Hunan To Investigate and Research Our Province’s Present Conditions for Folk Beliefs and Experimental Management Situation” [Guojia zongjiaojie lai xiang diaoyan wo sheng minjian xinyang xianzhuang he shidian guanli qingkuang], last viewed 6 October 07 (posted on the Hunan Provincial Religious Affairs Bureau Web site in 2007, in apparent reference to events in August 2006). See also “Popular Folk Beliefs and Religion” [Minjian xinyang yu zongjiao], China Religion, September 2004 (indicating, within an official publication under SARA, some support for protecting folk beliefs but also subjecting them to state control).

<sup>156</sup>State Administration for Religious Affairs, “Forum for Religious Personages Opens in Beijing at Second-year Anniversary of the Implementation of the Regulation on Religious Affairs;” “Some Reflections on Rural Religious Work in a New Period,” Yixing United Front Web Site; U.S. Department of State, International Religious Freedom Report—2006, China. Some activities related to “superstitions” or “feudal superstitions” are penalized under the Criminal Law and administrative regulations. See, e.g., the PRC Criminal Law, enacted 1 July 79, amended 14 March 97, art. 300, and the PRC Public Security Administration Punishment Law, enacted 28 August 05, art. 27(1).

